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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
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10 ROOSEVELT WILLIAMS,

11 Plaintiff,

12 v.

13 THE STATE OF CALIFORNIA, *et al.*,

14 Defendants.
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Case No. CV 15-04781 AG (AFM)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Report and
18 Recommendation of United States Magistrate Judge. Further, the Court has
19 engaged in a *de novo* review of those portions of the Report to which Plaintiff has
20 objected. The Court accepts the findings and recommendations of the Magistrate
21 Judge.

22 In his objections to the Report and Recommendation, plaintiff has requested
23 time to “conduct jurisdictional discovery,” but he fails to point to any pertinent
24 facts bearing on the question of jurisdiction that discovery would demonstrate.
25 Accordingly, plaintiff’s request for discovery is denied. In addition, plaintiff’s
26 motion for summary judgment is denied as moot, in light of the finding of no
27 subject matter jurisdiction. Plaintiff has also failed to present undisputed facts
28 showing that he is entitled to summary judgment under Fed. R. Civ. P. 56. Finally,

1 plaintiff contends that the Court should order default judgment against defendants
2 who have failed to appear. Plaintiff is incorrect in stating that the “Court sent the
3 summons to the named Defendants,” and there is no proof that defendants were
4 served with a summons that complied with Fed. R. Civ. P. 4(e). To the contrary,
5 evidence submitted to the Court indicates that plaintiff’s attempted service was not
6 proper under Rule 4. (*See* ECF No. 14.) In addition, given the Court’s lack of
7 subject matter jurisdiction, plaintiff’s request for default is moot. Accordingly,
8 plaintiff’s request for default judgment is denied.

9 IT THEREFORE IS ORDERED that (1) the Report and Recommendation of
10 the Magistrate Judge is accepted and adopted; (2) the pending motions to dismiss
11 be denied as moot; (3) plaintiff’s request to conduct jurisdictional discovery, his
12 motion for summary judgment, and his motion for default judgment are denied; and
13 (4) Judgment shall be entered dismissing plaintiff’s claims without leave to amend
14 and without prejudice for lack of subject matter jurisdiction.

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16 DATED: August 31, 2016



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18 ANDREW J. GUILFORD
19 UNITED STATES DISTRICT JUDGE
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